

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 6.2.3 OF BELMONT ZONING ORDINANCE
NUMBER 360 ADDING BUSINESS, PROFESSIONAL AND TRADE SCHOOLS TO THE
LIST OF CONDITIONALLY PERMITTED USES IN THE M-1 LIMITED
MANUFACTURING DISTRICT

WHEREAS, the applicant, Joel Patterson, requests a zone text amendment to add “Business, Professional, and Trade schools” to the list of conditionally permitted uses in the M-1 Limited Manufacturing Zone (Section 6.2.3 of the Belmont Zoning Ordinance); and,

WHEREAS, on April 3, 2007, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearings the Commission considered public testimony and staff reports on amendments to Section 6.2.3 (Conditionally Permitted Uses in the M-1 Limited Manufacturing District) of the Zoning Ordinance; and,

WHEREAS, on May 8, 2007, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned Zoning Code amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth; and,

WHEREAS, the City Council hereby adopts the staff report (dated May 8, 2007) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments could not have any adverse significant effects on the environment, and adopts a negative declaration of environmental significance in accordance with the provisions of the California Environmental Quality Act; and,

WHEREAS, the City Council makes the required findings (1-6) outlined in Section 9.5.1(b) of the Belmont Zoning Ordinance in the affirmative as follows:

1) *Will be in accord with the purposes of the district in which the use is proposed.*

The M-1 District provides for and encourages the grouping together of light industrial uses capable of being operated under such standards, as to location and appearance of buildings and the treatment of land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses. Business, professional and trade schools are moderately intensive land uses that do have some potential to impact surrounding properties if not maintained and operated well. While these uses would not be appropriate for the Residential or Commercial Zoning Districts, permitting them conditionally in the M-1 Limited Manufacturing District provides a reasonable alternative for location of such uses. This finding is made in the affirmative.

2) *Will have the same basic characteristics as the uses permitted in the district.*

Business, professional, and trade schools, while not defined by the zoning ordinance, can be described as school facilities that offer specialized work training. A school facility is not considered a manufacturing use. However, business, professional, and trade school uses will likely have varied hours of operation, with peak usage in the evenings. The surrounding manufacturing uses (8 AM-5 PM operation) are generally not sensitive to vehicle traffic, and evening hours that would be associated with business, professional or trade schools, thus creating an acceptable blend of uses based on peak hour operation. Staff believes that this finding is made in the affirmative.

3) *Will not be detrimental to the public health, safety or welfare.*

As previously noted, business, professional and trade schools are a moderately intensive land use that would not be appropriate in Residential or Commercial Zoning district where they generally could have detrimental impacts. By permitting them in the M-1 Light Manufacturing Zoning District, which allows for more intense land uses (with a Conditional Use Permit), the City can be assured that these training facilities will not have detrimental impacts on surrounding property owners. This finding is made in the affirmative.

4) *Will not adversely affect the character of any district in which it is proposed to be permitted.*

Allowing business, professional and trade schools to operate in the M-1 Limited Manufacturing District would not adversely affect the character of the M-1 District, nor is it expected to adversely impact surrounding property owners. Business, professional and trade schools are less intensive than typical manufacturing uses; In addition, the Conditional Use Permit review process enables the City to mitigate and monitor any potential impacts that would otherwise affect the character of the manufacturing district. This finding is made in the affirmative.

5) *Will not create more vehicular traffic than the volume normally created by any of the uses permitted in the district.*

The size and location of any business, professional, or trade school would be regulated through the Conditional Use Permit process. However, this type of use is not expected to create more vehicular traffic than any other permitted or conditionally permitted use in the M-1 Manufacturing District. Existing permitted uses include light manufacturing facilities, lumber yards, and asphalt/concrete ready-mix plants, all of which could generate more traffic than a school facility. This finding is made in the affirmative.

6) *Will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the uses permitted in the district.*

A business, professional, or trade school would generally be considered a less intense site use compared to other uses permitted in the M-1 Zone. A school facility would not create significant dust, noise, vibration, illumination, glare, or other objectionable elements that would exceed existing conditions in the M-1 Zone. This finding is made in the affirmative.

WHEREAS, the City Council after consideration of all testimony and reports, hereby determines that the proposed amendment to Section 6.2.3 (M-1 Limited Manufacturing – Conditional uses) of the Belmont Zoning Code to allow business, professional and trade school uses with conditional use permit approval in the M-1 District, achieves the objectives of the

Zoning Plan and the General Plan for the City. The amendments would provide for controlled development of local manufacturing and industrial areas and a more precise guide for physical development of the City, thereby protecting and promoting the comfort, convenience and general welfare of the community, and fulfilling the General Community Goals and Policies of the General Plan.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 6.2.3 (Conditionally Permitted Uses – M-1 Limited Manufacturing District) of the Belmont Zoning Code be hereby amended to read as follows:

Zoning Code Section 6.2.3 shall be revised to read as follows:

- 6.2.3 CONDITIONAL USES - The following Conditional Uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:
- (a) Animal hospitals.
 - (b) Asphalt or concrete readymix plant.
 - (c) Broadcasting tower for radio or television.
 - (d) Disposal of garbage or waste material by sanitary land fill or fill and cover methods, or by composting or incineration.
 - (e) Mobile home park.
 - (f) Outdoor advertising structure as regulated by the Sign Ordinance of the City.
 - (g) Storage, for wholesale or for distribution in bulk, of any flammable liquid.
 - (h) Incidental and accessory structures and uses located on the same site with and necessary to the operation of a Conditional Use.
 - (i) Truck storage yards and terminals.
 - (j) Other uses which, in the opinion of the Planning Commission, are similar to those listed permitted uses.
 - (k) Business, Professional, and Trade Schools, provided that no Business, Professional or Trade School shall be permitted when another property containing a Business, Professional or Trade School is located within 1,000 feet of the property on which the use is proposed. Said distance shall be calculated as a straight line measured between the two closest points of the perimeter of the subject properties.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2007.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2007.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont